

## DECLARATION

We, Joseph C. Griffin, III, and Annibale S. Montenero, hereby declare that:

We are citizens of the United States and Italy, respectively, residing in Atco, New Jersey, and Rome, Italy, respectively, and having a post office address of 575 Route 73 North, Unit D, West Berlin, New Jersey 08091-9293.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled "Triple Array Defibrillation Catheter and Method of Using the Same," the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

We have not previously filed any foreign applications for patent or inventor's certificate.

We hereby claim the benefit under 35 U.S.C. §119(e) of Provisional Application Serial No. 60/101,865, filed September 25, 1998.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made

are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY

We hereby appoint Norman E. Lehrer, Registration No. 26,561, and Vanitha M. Elgart, Registration No. 41,445, whose address is 1205 North Kings Highway, Cherry Hill, New Jersey 08034, and whose telephone number is 856-429-4100, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

PETITION

Wherefore we pray that Letters Patent be granted to us for the invention or discovery described and claimed in the foregoing specification and claims, and we hereby subscribe our names to the foregoing specification and claims, declaration, power of attorney and this petition.

Dated: 9-9-99

  
JOSEPH C. GRIFFIN, III

Dated: Sept. 4<sup>th</sup> 1999

  
ANNIBALE S. MONTENERO

Applicant or Patentee: JOSEPH C. GRIFFIN, III ET AL. Attorney's  
Serial or Patent No.: \_\_\_\_\_ Docket No.: 4426-38  
Filed or Issued: \_\_\_\_\_  
For: Triple Array Defibrillation Catheter and Method of Using the Same

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9 (f) and 1.27 (c)) — SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below;  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN ProCath Corporation

ADDRESS OF CONCERN 575 Route 73 North, Unit D  
West Berlin, NJ 08091-9293

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.21, 1.18, and reproduced in 37 CFR 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "Triple Array Defibrillation Catheter and Method of Using the Same" by inventor(s) Annibale S. Montenero and Joseph C. Griffin, III described in

☒ the specification filed herewith

☐ application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING JOSEPH C. GRIFFIN, III

TITLE OF PERSON OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 575 Route 73 North, Unit D  
West Berlin, NJ 08091-9293

SIGNATURE \_\_\_\_\_

DATE Sept. 9, 1999